

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No.:

Date Filed:

-----X
VINCENT BELL,

Plaintiff,

Plaintiff designates NEW
YORK County as the place of
trial.

-against-

The basis of the venue is:
CPLR Section 503(a)

ARCHDIOCESE OF NEW YORK, SAINT JOSEPH'S
CHURCH (YORKVILLE) and SAINT JOSEPH'S
SCHOOL - YORKVILLE,

S U M M O N S

Defendants.
-----X


TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a notice of appearance, on the Plaintiff's attorneys within 20 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: New York, New York
September 30, 2019

MORGAN LEVINE DOLAN, P.C.

By:



JOSEPH E. GORCZYCA
Attorneys for Plaintiff
18 East 41st Street, 6th Floor
New York, NY 10017
(212) 785-5115

Defendants' Addresses:
See attached Rider:

RIDER:

ARCHDIOCESE OF NEW YORK

1011 First Avenue
New York, NY 10022

**SAINT JOSEPH'S
CHURCH (YORKVILLE)**

404 East 87th Street
New York, NY 10128

**SAINT JOSEPH'S
SCHOOL – YORKVILLE**

420 East 87th Street
New York, NY 10128

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK-----X
VINCENT BELL,

Plaintiff,

-against-

ARCHDIOCESE OF NEW YORK, SAINT JOSEPH'S
CHURCH (YORKVILLE) and SAINT JOSEPH'S
SCHOOL – YORKVILLE,Defendants.
-----X**VERIFIED COMPLAINT**

Index No.:

Date Filed:

Plaintiff, **VINCENT BELL**, by his attorneys, **MORGAN LEVINE DOLAN, P.C.**,
complaining of the Defendants, allege the following upon information and belief, as to all times
relevant hereto:

INTRODUCTION

1. This is an action pursuant to “The Child Victims Act” and CLPR § 214-g, which revived certain sexual abuse cases that were previously time barred. As such, all of the claims asserted by the Plaintiff herein are timely asserted.
2. The Plaintiff herein was repeatedly sexually abused as a child by a Roman Catholic Priest/Teacher named Herman Heide beginning in 1953. The abuse occurred at SAINT JOSEPH'S CHURCH (YORKVILLE) and SAINT JOSEPH'S SCHOOL – YORKVILLE in Manhattan where the Plaintiff attend church and school.
3. Herman Heide has been identified as a clergy member of the Archdiocese of New York who has been credibly accused of sexually abusing a minor or possessing child pornography, or who was the subject of a claim made to the Independent

Reconciliation and Compensation Program (IRCP) that was deemed eligible for compensation.

THE PARTIES

4. Plaintiff, VINCENT BELL, is a resident of the State of New York, County of Westchester. Mr. BELL is a survivor of sexual abuse.
5. Defendant, the ARCHDIOCESE OF NEW YORK is religious organization operating and existing within the State of New York, County of New York.
6. Defendant, SAINT JOSEPH'S CHURCH (YORKVILLE) is a religious organization operating and existing in the State of New York, County of New York.
7. Defendant, SAINT JOSEPH'S SCHOOL – YORKVILLE is religious school operating and existing in the State of New York, County of New York.
8. HERMAN HEIDE was a Roman Catholic priest at SAINT JOSEPH'S CHURCH (YORKVILLE) during 1950's, and beyond.
9. HERMAN HEIDE was a teacher, coach, youth leader and administrator at the SAINT JOSEPH'S SCHOOL – YORKVILLE during 1950's, and beyond.
10. HERMAN HEIDE has been identified as a clergy member of the Archdiocese of New York who has been credibly accused of sexually abusing a minor or possessing child pornography, or who was the subject of a claim made to the Independent Reconciliation and Compensation Program (IRCP) that was deemed eligible for compensation.

PLAINTIFF'S FIRST CAUSE OF ACTION – NEGLIGENCE GENERALLY

11. Plaintiff repeats and realleges all the preceding allegations of this Complaint as though fully set forth at length herein.

12. Beginning in 1953 and continuing, the Plaintiff was repeatedly sexually abused by HERMAN HEIDE on Defendant's SAINT JOSEPH'S CHURCH (YORKVILLE) premises.
13. Beginning in 1953 and continuing, the Plaintiff was repeatedly sexually abused by HERMAN HEIDE on Defendant's SAINT JOSEPH'S SCHOOL – YORKVILLE premises.
14. The sexual abuse of the Plaintiff began when he was a third-grade student. The abuse consisted of, inter alia, forcible penetration and sodomy.
15. HERMAN HEIDE was employed as a Roman Catholic priest at SAINT JOSEPH'S CHURCH (YORKVILLE) on or about the year 1953.
16. HERMAN HEIDE was employed as a teacher, coach, youth leader and administrator at SAINT JOSEPH'S SCHOOL – YORKVILLE on or about the year 1953.
17. HERMAN HEIDE is now deceased. He died in 1997.
18. On or about the year 1953 and continuing, HERMAN HEIDE was an employee, agent and/or servant of Defendant, the ARCHDIOCESE OF NEW YORK.
19. On or about the year 1953 and continuing, HERMAN HEIDE was an employee, agent and/or servant of Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE).
20. On or about the year 1953 and continuing, HERMAN HEIDE was an employee, agent and/or servant of Defendant, SAINT JOSEPH'S SCHOOL – YORKVILLE.
21. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents, had oversight, control and autonomy over the

appointment and employment (including but not limited to, placement, hiring, retention and termination) of HERMAN HEIDE as a Roman Catholic priest at SAINT JOSEPH'S CHURCH (YORKVILLE).

22. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents, had oversight, control and autonomy over the appointment and employment (including but not limited to, placement, hiring, retention and termination) of HERMAN HEIDE as a teacher, coach, youth leader and administrator at SAINT JOSEPH'S SCHOOL – YORKVILLE.
23. At all material times, Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees and/or agents, had oversight, control and autonomy over the appointment and employment (including but not limited to, placement, hiring, retention and termination) of HERMAN HEIDE as a Roman Catholic priest at SAINT JOSEPH'S CHURCH (YORKVILLE).
24. At all material times, Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees and/or agents, had oversight, control and autonomy over the appointment and employment (including but not limited to, placement, hiring, retention and termination) of HERMAN HEIDE as a teacher, coach, youth leader and administrator at SAINT JOSEPH'S SCHOOL – YORKVILLE.
25. At all material times, Defendant, the SAINT JOSEPH'S SCHOOL - YORKVILLE and its servants, employees and/or agents, had oversight, control and autonomy over the appointment and employment (including but not limited to, placement, hiring, retention and termination) of HERMAN HEIDE as a teacher, coach, youth leader and administrator at SAINT JOSEPH'S SCHOOL – YORKVILLE.

26. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents placed and/or hired HERMAN HEIDE at SAINT JOSEPH'S SCHOOL – YORKVILLE.
27. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents placed and/or hired HERMAN HEIDE at SAINT JOSEPH'S CHURCH (YORKVILLE).
28. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents had the express or implied authority to hire, retain, transfer and/or terminate HERMAN HEIDE's employment at SAINT JOSEPH'S SCHOOL – YORKVILLE.
29. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents had the express or implied authority to hire, retain, transfer and/or terminate HERMAN HEIDE's employment at SAINT JOSEPH'S CHURCH (YORKVILLE).
30. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents had the express or implied ability to supervise, manage and maintain at operations at SAINT JOSEPH'S CHURCH (YORKVILLE).
31. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents had the express or implied ability to supervise, manage and maintain at operations at SAINT JOSEPH'S SCHOOL – YORKVILLE.

32. On or about 1953, Defendant, the ARCHDIOCESE OF NEW YORK owned (either partially or totally) the premises known as SAINT JOSEPH'S CHURCH (YORKVILLE), located at or near 404 East 87th Street, New York, NY 10128.
33. On or about 1953, Defendant, the ARCHDIOCESE OF NEW YORK owned (either partially or totally) the premises known as SAINT JOSEPH'S SCHOOL – YORKVILLE located at or near 404 East 87th Street, New York, NY 10128.
34. On or about 1953, Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) owned (either partially or totally) the premises known as SAINT JOSEPH'S CHURCH (YORKVILLE), located at or near 404 East 87th Street, New York, NY 10128.
35. On or about 1953, Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) owned (either partially or totally) the premises known as SAINT JOSEPH'S SCHOOL – YORKVILLE located at or near 404 East 87th Street, New York, NY 10128.
36. On or about 1953, Defendant, the SAINT JOSEPH'S SCHOOL – YORKVILLE owned (either partially or totally) the premises known as SAINT JOSEPH'S CHURCH (YORKVILLE), located at or near 404 East 87th Street, New York, NY 10128.
37. On or about 1953, Defendant, the SAINT JOSEPH'S SCHOOL – YORKVILLE owned (either partially or totally) the premises known as SAINT JOSEPH'S SCHOOL – YORKVILLE located at or near 404 East 87th Street, New York, NY 10128.

38. At all material times, Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees and/or agents had the express or implied authority to hire, retain, transfer and/or terminate HERMAN HEIDE's employment at SAINT JOSEPH'S CHURCH (YORKVILLE).
39. At all material times, Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees and/or agents had the express or implied authority to hire, retain, transfer and/or terminate HERMAN HEIDE's employment at SAINT JOSEPH'S SCHOOL – YORKVILLE.
40. On or about the year 1953, the Plaintiff was a parishioner of Defendant at SAINT JOSEPH'S CHURCH (YORKVILLE).
41. On or about the year 1953, the Plaintiff was a parishioner of Defendant, the ARCHDIOCESE OF NEW YORK.
42. On or about and beginning in 1953, the Plaintiff was a third-grade student of Defendant SAINT JOSEPH'S SCHOOL – YORKVILLE.
43. On or about 1953, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents owed a duty of care to the Plaintiff.
44. On or about 1953, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents owed a duty of "in loco parentis" to the Plaintiff.
45. On or about 1953, Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees and/or agents owed a duty of care to the Plaintiff.
46. On or about 1953, Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees and/or agents owed a duty of "in loco parentis" to the Plaintiff.

47. On or about 1953, Defendant, the SAINT JOSEPH'S SCHOOL – YORKVILLE and its servants, employees and/or agents owed a duty of care to the Plaintiff.
48. On or about 1953, Defendant, the SAINT JOSEPH'S SCHOOL – YORKVILLE and its servants, employees and/or agents owed a duty of “in loco parentis” to the Plaintiff.
49. Beginning in 1953 and continuing, the Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents were negligent and violated their duty of care of the Plaintiff by allowing, permitting and/or causing the Plaintiff to be sexually abused by HERMAN HEIDE.
50. Beginning in 1953 and continuing, the Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees and/or agents were negligent and violated their duty of care of the Plaintiff by allowing, permitting and/or causing the Plaintiff to be sexually abused by HERMAN HEIDE.
51. Beginning in 1953 and continuing, the Defendant, the SAINT JOSEPH'S SCHOOL – YORKVILLE and its servants, employees and/or agents were negligent and violated their duty of care of the Plaintiff by allowing, permitting and/or causing the Plaintiff to be sexually abused by HERMAN HEIDE
52. At all material times, the Defendant, ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents had actual and/or constructive knowledge regarding HERMAN HEIDE's pedophilic tendencies, behaviors and/or actions, including but not limited to, sexually abusing minor children, including the Plaintiff and failed to intervene.

53. At all material times, the Defendant, SAINT JOSEPH'S CHURCH (YORKVILLE) or its servants, employees and/or agents had actual and/or constructive knowledge regarding HERMAN HEIDE's pedophilic tendencies, behaviors and/or actions, including but not limited to, sexually abusing minor children, including the Plaintiff and failing to intervene.
54. At all material times, the Defendant, SAINT JOSEPH'S SCHOOL – YORKVILLE and its servants, employees and/or agents had actual and/or constructive knowledge regarding HERMAN HEIDE's pedophilic tendencies, behaviors and/or actions, including but not limited to, sexually abusing minor children, including the Plaintiff and failing to intervene.
55. At all material times, the Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents failed to warn the public and the Plaintiff regarding HERMAN HEIDE's pedophilic tendencies, behaviors and/or actions, including but not limited to, sexually abusing minor children, including the Plaintiff, despite having actual or constructive knowledge of the same.
56. At all material times, the Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees and/or agents failed to warn the public and the Plaintiff regarding HERMAN HEIDE's pedophilic tendencies, behaviors and/or actions, including but not limited to, sexually abusing minor children despite having actual or constructive knowledge of the same.
57. At all material times, the Defendant, the SAINT JOSEPH'S SCHOOL – YORKVILLE and its servants, employees and/or agents failed to warn the public and the Plaintiff regarding HERMAN HEIDE's pedophilic tendencies, behaviors

and/or actions, including but not limited to, sexually abusing minor children despite having actual or constructive knowledge of the same.

58. HERMAN HEIDE has been identified as a clergy member of the ARCHDIOCESE OF NEW YORK who has been credibly accused of sexually abusing a minor or possessing child pornography, or who was the subject of a claim made to the Independent Reconciliation and Compensation Program (IRCP) that was deemed eligible for compensation.
59. As a result of the foregoing negligence, the Plaintiff was sexually abused and assaulted.
60. As a result of the negligence of the Defendants, Plaintiff is entitled to compensatory damages from the Defendants.
61. As a result of the negligence of the Defendants, Plaintiff has incurred past medical expenses and will incur future medical expenses.
62. The limitations on liability set forth in CPLR Section 1601 do not apply to this action.
63. As a result of the Defendants' negligence as aforesaid, the Plaintiff, VINCENT BELL, has sustained money damages in a sum greater than the jurisdictional limits of all lower courts.

PLAINTIFF'S SECOND CAUSE OF ACTION – GROSS NEGLIGENCE AND RECKLESS DISREGARD CONDUCT

64. Plaintiff repeats, reiterated and realleges each and every allegation contained in complaint.
65. At all material times, the Defendant, ARCHDIOCESE OF NEW YORK, its servants, employees and/or agents acted with reckless disregard for the safety of

others (including the Plaintiff) by violating their duty of care to the Plaintiff since they had actual and/or constructive knowledge regarding HERMAN HEIDE's pedophilic tendencies, behaviors and/or actions, including but not limited to sexually abusing the Plaintiff and failed to intervene, which was a known or obvious risk that was so great as to make it highly likely that probable harm would follow.

66. At all material times, the Defendant, ARCHDIOCESE OF NEW YORK, its servants, employees and/or agents acted with reckless disregard for the safety of others (including the Plaintiff) when they intentionally or recklessly placed, hired, retained and failed to terminate despite having actual or constructive notice of HERMAN HEIDE'S pedophilic tendencies, behaviors and/or actions, including but not limited to sexually abusing the Plaintiff, which was a known or obvious risk that was so great as to make it highly likely that probable harm would follow.
67. At all material times, the Defendant, ARCHDIOCESE OF NEW YORK, its servants, employees and/or agents acted with reckless disregard for the safety of others (including the Plaintiff) when they intentionally or recklessly supervised HERMAN HEIDE'S while he sexually assaulted children (including the Plaintiff), which was a known or obvious risk that was so great as to make it highly likely that probable harm would follow.
68. At all material times, the Defendant, SAINT JOSEPH'S CHURCH (YORKVILLE), its servants, employees and/or agents acted with reckless disregard for the safety of others (including the Plaintiff) by violating their duty of care to the Plaintiff since they had actual and/or constructive knowledge regarding

HERMAN HEIDE's pedophilic tendencies, behaviors and/or actions and failed to intervene which was a known or obvious risk that was so great as to make it highly likely that probable harm would follow.

69. At all material times, the Defendant, SAINT JOSEPH'S CHURCH (YORKVILLE), its servants, employees and/or agents acted with reckless disregard for the safety of others (including the Plaintiff) when they intentionally or recklessly placed, hired, retained and failed to terminate despite having actual or constructive notice of HERMAN HEIDE'S pedophilic tendencies, behaviors and/or actions, including but not limited to sexually abusing the Plaintiff, which was a known or obvious risk that was so great as to make it highly likely that probable harm would follow.
70. At all material times, the Defendant, SAINT JOSEPH'S SCHOOL – YORKVILLE, its servants, employees and/or agents acted with reckless disregard for the safety of others (including the Plaintiff) by violating their duty of care to the Plaintiff since they had actual and/or constructive knowledge regarding HERMAN HEIDE's pedophilic tendencies, behaviors and/or actions, including but not limited to sexually abusing the Plaintiff and failed to intervene, which was a known or obvious risk that was so great as to make it highly likely that probable harm would follow.
71. At all material times, the Defendant, SAINT JOSEPH'S SCHOOL – YORKVILLE, its servants, employees and/or agents acted with reckless disregard for the safety of others (including the Plaintiff) when they intentionally or recklessly supervised HERMAN HEIDE while he sexually assaulted children

(including the Plaintiff), which was a known or obvious risk that was so great as to make it highly likely that probable harm would follow.

72. At all material times, the Defendant, SAINT JOSEPH'S SCHOOL – YORKVILLE, its servants, employees and/or agents acted with reckless disregard for the safety of others (including the Plaintiff) when they intentionally or recklessly supervised HERMAN HEIDE'S while he sexually assaulted children (including the Plaintiff), which was a known or obvious risk that was so great as to make it highly likely that probable harm would follow.
73. As a result of the foregoing conduct, the Plaintiff was sexually abused and assaulted.
74. By reason for the foregoing, Plaintiff is entitled to both compensatory and punitive damages from the Defendants.
75. The limitations on liability set forth in CPLR Section 1601 do not apply to this action.
76. As a result of the Defendants' gross negligence and reckless disregard conduct as aforesaid, the Plaintiff, VINCENT BELL, has sustained money damages in a sum greater than the jurisdictional limits of all lower courts.

PLAINTIFF'S THIRD CAUSE OF ACTION – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

77. Plaintiff repeats, reiterated and realleges each and every allegation contained in the complaint.
78. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees, and/or agents knew or reasonably should have known that the failure to properly advise, supervise and hire HERMAN HEIDE who sexually

abused Plaintiff would and did proximately result in physical and emotional distress to the Plaintiff.

79. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees, and/or agents knew or reasonably should have known that the sexual abuse and other improper conduct by HERMAN HEIDE would and did proximately result in physical and emotional distress to the Plaintiff
80. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees, and/or agents had the power, ability, authority and duty to intervene and/or stop the sexual abuse and other improper conduct that resulted in Plaintiff being sexually assaulted by HERMAN HEIDE.
81. Defendant, the ARCHDIOCESE OF NEW YORK acted with extreme and outrageous conduct intentionally or recklessly causing severe emotional distress to the Plaintiff.
82. At all material times, Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees, and/or agents knew or reasonably should have known that the failure to properly advise, supervise and hire HERMAN HEIDE who sexually abused Plaintiff would and did proximately result in physical and emotional distress to the Plaintiff.
83. At all material times, Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees, and/or agents knew or reasonably should have known that the sexual abuse and other improper conduct by HERMAN HEIDE would and did proximately result in physical and emotional distress to the Plaintiff

84. At all material times, Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees, and/or agents had the power, ability, authority and duty to intervene and/or stop the sexual abuse and other improper conduct that resulted in Plaintiff being sexually assaulted by HERMAN HEIDE.
85. Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) acted with extreme and outrageous conduct intentionally or recklessly causing severe emotional distress to the Plaintiff.
86. At all material times, Defendant, the SAINT JOSEPH'S SCHOOL – YORKVILLE and its servants, employees, and/or agents knew or reasonably should have known that the failure to properly advise, supervise and hire HERMAN HEIDE who sexually abused Plaintiff would and did proximately result in physical and emotional distress to the Plaintiff.
87. At all material times, Defendant, the SAINT JOSEPH'S SCHOOL – YORKVILLE and its servants, employees, and/or agents knew or reasonably should have known that the sexual abuse and other improper conduct by HERMAN HEIDE would and did proximately result in physical and emotional distress to the Plaintiff
88. At all material times, Defendant, the SAINT JOSEPH'S SCHOOL – YORKVILLE and its servants, employees, and/or agents had the power, ability, authority and duty to intervene and/or stop the sexual abuse and other improper conduct that resulted in Plaintiff being sexually assaulted by HERMAN HEIDE.
89. Defendant, the SAINT JOSEPH'S SCHOOL – YORKVILLE acted with extreme and outrageous conduct intentionally or recklessly causing severe emotional distress to the Plaintiff.

90. As a result of the foregoing conduct, the Plaintiff was sexually abused and assaulted.
91. Based on the foregoing, Plaintiff is entitled to both compensatory and punitive damages against the Defendants for the intentional infliction of emotional distress.
92. The limitations on liability set forth in CPLR Section 1601 do not apply to this action.
93. As a result of the Defendants' intentional infliction of emotional distress as aforesaid, the Plaintiff, VINCENT BELL, has sustained money damages in a sum greater than the jurisdictional limits of all lower courts.

**PLAINTIFF'S FOURTH CAUSE OF ACTION – NEGLIGENT INFLECTION OF
EMOTIONAL DISTRESS**

94. Plaintiff repeats, reiterated and realleges each and every allegation contained in the complaint.
95. On or about 1953, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents owed a duty of care to the Plaintiff.
96. On or about, 1953, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents owed a duty of "in loco parentis" to the Plaintiff.
97. On or about 1953, Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees and/or agents owed a duty of care to the Plaintiff.
98. On or about 1953, Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees and/or agents owed a duty of "in loco parentis" to the Plaintiff.
99. On or about 1953, Defendant, the SAINT JOSEPH'S SCHOOL – YORKVILLE and its servants, employees and/or agents owed a duty of care to the Plaintiff.

100. On or about 1953, Defendant, the SAINT JOSEPH'S SCHOOL – YORKVILLE and its servants, employees and/or agents owed a duty of “in loco parentis” to the Plaintiff.
101. Beginning in 1953 and continuing, the Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents were negligent and violated their duty of care of the Plaintiff by allowing, permitting and/or causing the Plaintiff to be sexually abused by HERMAN HEIDE.
102. Beginning in 1953 and continuing, the Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees and/or agents were negligent and violated their duty of care of the Plaintiff by allowing, permitting and/or causing the Plaintiff to be sexually abused by HERMAN HEIDE.
103. Beginning in 1953 and continuing, the Defendant, the SAINT JOSEPH'S SCHOOL – YORKVILLE and its servants, employees and/or agents were negligent and violated their duty of care of the Plaintiff by allowing, permitting and/or causing the Plaintiff to be sexually abused by HERMAN HEIDE.
104. As a result of the foregoing, the Defendants endangered the Plaintiff's physical safety and/or caused the Plaintiff to fear for his own physical safety.
105. As a result of the foregoing negligence, the Plaintiff was sexually abused and assaulted.
106. As a result of the foregoing, the Plaintiff sustained severe emotional damages that are permanent.
107. As a result of the foregoing, the Plaintiff is entitled to punitive and compensatory damages.

108. The limitations on liability set forth in CPLR Section 1601 do not apply to this action.
109. As a result of the Defendants' negligent infliction of emotional distress as aforesaid, the Plaintiff, VINCENT BELL, has sustained money damages in a sum greater than the jurisdictional limits of all lower courts.

PLAINTIFF'S FIFTH CAUSE OF ACTION – NEGLIGENT HIRING, RETAINING AND SUPERVISION

110. Plaintiff repeats, reiterated and realleges each and every allegation contained in the complaint.
111. On or about the year 1953 and continuing, HERMAN HEIDE was an employee, agent and/or servant of Defendant, the ARCHDIOCESE OF NEW YORK.
112. On or about the year 1953 and continuing, HERMAN HEIDE was an employee, agent and/or servant of Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE).
113. On or about the year 1953 and continuing, HERMAN HEIDE was an employee, agent and/or servant of Defendant, SAINT JOSEPH'S SCHOOL – YORKVILLE.
114. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents, had oversight, control and autonomy over the appointment and employment (including but not limited to, placement, hiring, retention and termination) of HERMAN HEIDE as a Roman Catholic priest at SAINT JOSEPH'S CHURCH (YORKVILLE).
115. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents, had oversight, control and autonomy over the appointment and employment (including but not limited to, placement, hiring,

retention and termination) of HERMAN HEIDE as a teacher, coach, youth leader and administrator at SAINT JOSEPH'S SCHOOL – YORKVILLE.

116. At all material times, Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees and/or agents, had oversight, control and autonomy over the appointment and employment (including but not limited to, placement, hiring, retention and termination) of HERMAN HEIDE as a Roman Catholic priest at SAINT JOSEPH'S CHURCH (YORKVILLE).
117. At all material times, Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees and/or agents, had oversight, control and autonomy over the appointment and employment (including but not limited to, placement, hiring, retention and termination) of HERMAN HEIDE as a teacher, coach, youth leader and administrator at SAINT JOSEPH'S SCHOOL – YORKVILLE.
118. At all material times, Defendant, the SAINT JOSEPH'S SCHOOL -- YORKVILLE and its servants, employees and/or agents, had oversight, control and autonomy over the appointment and employment (including but not limited to, placement, hiring, retention and termination) of HERMAN HEIDE as a teacher, coach, youth leader and administrator at SAINT JOSEPH'S SCHOOL – YORKVILLE.
119. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents placed and/or hired HERMAN HEIDE at SAINT JOSEPH'S SCHOOL – YORKVILLE.
120. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents placed and/or hired HERMAN HEIDE at SAINT JOSEPH'S CHURCH (YORKVILLE).

121. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents had the express or implied authority to hire, retain, transfer and/or terminate HERMAN HEIDE's employment at SAINT JOSEPH'S SCHOOL – YORKVILLE.
122. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents had the express or implied authority to hire, retain, transfer and/or terminate HERMAN HEIDE's employment at SAINT JOSEPH'S CHURCH (YORKVILLE).
123. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents had the express or implied ability to supervise, manage and maintain at operations at SAINT JOSEPH'S CHURCH (YORKVILLE).
124. At all material times, Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents had the express or implied ability to supervise, manage and maintain at operations at SAINT JOSEPH'S SCHOOL – YORKVILLE.
125. Defendant, the ARCHDIOCESE OF NEW YORK and its servants, employees and/or agents were negligent in hiring, retaining and supervising HERMAN HEIDE.
126. Defendant, the SAINT JOSEPH'S CHURCH (YORKVILLE) and its servants, employees and/or agents were negligent in hiring, retaining and supervising HERMAN HEIDE.


127. Defendant, the SAINT JOSEPH'S SCHOOL – YORKVILLE and its servants, employees and/or agents were negligent in hiring, retaining and supervising HERMAN HEIDE.
128. As a result of the foregoing negligence, the Plaintiff was sexually abused and assaulted.
129. As a result of the foregoing negligence, the Plaintiff is entitled to compensatory and punitive damages.
130. The limitations on liability set forth in CPLR Section 1601 do not apply to this action.
131. As a result of the Defendants' negligent hiring, retaining and supervision as aforesaid, the Plaintiff, VINCENT BELL, has sustained money damages in a sum greater than the jurisdictional limits of all lower courts.

WHEREFORE, Plaintiff demands judgment against the Defendants on each Cause of Action in a sum of money that exceeds the jurisdictional limits of all lower courts with interest from the date of the occurrence together with the costs and disbursements of this action.

DATED: New York, New York
September 30, 2019

MORGAN LEVINE DOLAN, P.C.

By:



JOSEPH E. GORCZYCA
Attorneys for Plaintiff
18 East 41st Street, 6th Floor
New York, NY 10017
(212) 785-5115

VERIFICATION

JOSEPH E. GORCZYCA, an attorney duly admitted to practice law in the State of New York, affirms the following under penalties of perjury:

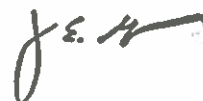
I am a member of the law firm of **MORGAN LEVINE DOLAN, P.C.**, attorneys for the Plaintiff.

I have read the foregoing **Summons and Verified Complaint** and know the contents thereof. I believe the matters therein alleged to be true.

The source of my information and the grounds of my belief are the communications, papers, reports and investigations contained in the firm's file.

The reason this Verification is signed by me and not by the Plaintiff is that the Plaintiff resides in a county other than the one in which I maintain my office.

DATED: New York, New York
September 30, 2019



JOSEPH E. GORCZYCA

Index No.
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

VINCENT BELL,

Plaintiff,

-against-

ARCHDIOCESE OF NEW YORK, SAINT JOSEPH'S
CHURCH (YORKVILLE) and SAINT JOSEPH'S
SCHOOL – YORKVILLE,

Defendants.

SUMMONS AND COMPLAINT

MORGAN LEVINE DOLAN, P.C.
Attorneys for Plaintiff
18 East 41st Street
New York, New York 10017
(212) 785-5115
